

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:
Douglas P. Cerretti

Attorney Docket No. : 2826-A

Serial No.: 08/538,709

Group Art Unit: 1812

Filed: October 3, 1995

Examiner: G. Draper

For: DNA THAT ENCODES FOR A CYTOKINE
DESIGNATED LERK-6 (as amended)

Commissioner of Patents and Trademarks
Washington, D.C. 20231

AMENDMENT A

Dear Sir:

In response to the Office Action mailed March 10, 1997 in connection with the referenced Patent Application, Applicant amends the application as follows:

In the Title:

Please delete the title and replace it with the following title:

--DNA that Encodes for a Cytokine Designated LERK-6--

In the claims:

Please cancel claims 1, 12, 16 and 20.

Remarks

In view of the foregoing amendment and the following remarks, Applicant respectfully requests reconsideration of the claims pending in the instant application. Claims 1-28 are pending in this application. Claims 5-11 and 24-28 are withdrawn from consideration and claims 1-4 and 12-23 are the subject of the present examination. Claims 1-4 and 12-23 stand rejected. Applicant has amended the title and canceled claims 1, 12, 16 and 20 in order to more particularly define the claimed invention.

In the outstanding Office Action, the Examiner issued a restriction requirement, objected to the title and rejected specific claims under 35 U.S.C. §112, first paragraph. Applicant acknowledges the election of claims 1-4 and 12-23 and has amended the title as suggested by the Examiner. In the discussion that follows, Applicant addresses the various rejections under Section 112.

First, the Examiner rejected claims 1, 12, 16, 20 and 2, 13, 17 and 21 under 35 U.S.C. §112, first paragraph, because the Examiner is of the opinion that the specification is enabling for a DNA that would encode for the full length/mature murine or human LERK-6 or specific fusion protein to such. The Examiner asserts that the specification does not reasonably